



06 AUG 2008

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In re Application of	:	
POIROT-CROUVEZIER	:	
U.S. Application No.: 10/528,587	:	DECISION ON PETITION
PCT No.: PCT/FR03/02881	:	
Int. Filing Date: 01 October 2003	:	UNDER 37 CFR 1.181
Priority Date: 11 October 2002	:	
Attorney Docket No.: 123210	:	
For: ELECTRONIC POWER SOURCE COMPRISING	:	
A FUEL CELL WITHOUT DISCHARGE OF	:	
MATTER TO THE OUTSIDE AND CONTROL	:	
PROCESS OF SUCH A POWER SOURCE	:	

This decision is in response to applicant's status letter inquiry filed 20 June 2008 in the United States Patent and Trademark Office (USPTO) regarding previously filed requests for a corrected filing receipt. For the reasons discussed below the matter is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 01 October 2003, applicant filed international application PCT/FR03/02881 which claimed priority of an earlier application filed 11 October 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 April 2004. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 April 2005.

On 21 March 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English; an Application Data Sheet; a signed declaration of the inventor; an Information Disclosure Statement and a First Preliminary Amendment.

On 26 May 2005, applicant filed a second transmittal letter covering a power of attorney and assignee statement under 37 CFR 3.73(b).

On 06 June 2005, applicant was mailed a "Notice of Acceptance" (Form PCT/DO/EO/903) indicating a receipt date of 21 March 2005 for the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements and a date of 26 May 2005 as the date of completion of all 35 U.S.C. 371 requirements. The official filing receipt indicated a filing date or 371 date of 21 March 2005.

On 20 June 2008, applicant filed the status letter discussed herein. It is noted that the application file contains numerous requests for corrected filing receipt and status inquires on this matter.

DISCUSSION

Applicant is seeking a corrected 371 date of 26 May 2005. The request does not provide a reason for the requested change. However, it is presumed from an inspection of the transmittal letter filed 26 May 2005 that applicant is arguing that the executed declaration was filed on this date. The declaration in the application file is stamped with a USPTO date stamp of "21 MAR 2005." This appears to be the rationale for the assigning of 21 March 2005 on the official filing receipt. If applicant desires a 35 U.S.C. 371 date of 26 May 2005 applicant should provide the office with a stamped return postcard indicating a receipt date of 26 May 2005. It is possible that the declaration was incorrectly stamped.

A new Form PCT/DO/EO/903 is required in the case in that the 30 month deadline was 11 April 2005. Applicant did not check box three of the initial transmittal letter requesting an express national examination procedure. Therefore, if the declaration was filed on 21 March 2005, the date of completion of all 35 U.S.C. 371 requirements should be 11 April 2005. If the declaration was filed on 26 May 2005, both dates would be 26 May 2005. Once applicant has responded to this decision a corrected Form PCT/DO/EO/903 and filing receipt will be issued.

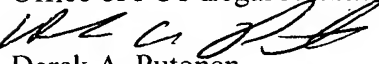
CONCLUSION

For the reasons detailed above, applicant's petition under 37 CFR 1.181 is **DISMISSED**.

This application remains **ABANDONED**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


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